

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

UNITED STATES OF AMERICA)	
)	Case No. 1-09-cr-75
v.)	
)	COLLIER / LEE
JOHN MICHAEL KEARNEY)	
)	

ORDER

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court: (1) grant Defendant's motion to withdraw his not guilty plea to Counts One, Two, Three, and Four of the four-count Indictment; (2) accept Defendant's plea of guilty to Counts One, Two, Three, and Four of the Indictment; (3) adjudicate Defendant guilty of the charges set forth in Counts One, Two, Three, and Four of the Indictment; and (4) Defendant has been released on bond under appropriate conditions of release pending sentencing in this matter without objection [Doc. 18]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 18] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) Defendant's motion to withdraw his not guilty plea to Counts One, Two, Three, and Four of the Indictment is **GRANTED**;
- (2) Defendant's plea of guilty to Counts One, Two, Three, and Four of the Indictment is **ACCEPTED**;
- (3) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Counts One, Two, Three, and Four of the Indictment;

- (4) Defendant **SHALL REMAIN** on bond under appropriate conditions of release pending sentencing in this matter without objection which is scheduled to take place on **Thursday, March 18, 2010, at 2:00 p.m. [EASTERN]** before the Honorable Curtis L. Collier.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE